

## **REMARKS/ARGUMENTS**

### **I. Status of Claims**

Claims 1-20 are pending.

Claims 1-16 have been rejected under 35 USC § 102(e) as being anticipated by Meier, et al. (U.S. Publication 2004/0103282 A1).

Claims 17-20 have been rejected under 35 USC § 103(a) as being unpatentable over Meier, et al., in view of Toyoshima (U.S. Publication 2002/0080741 A1).

These rejections are respectfully traversed and reconsideration is respectfully requested.

### **II. Claim Rejections under 35 U.S.C. §102(e)**

In the subject office action, claims 1-16 were rejected as being anticipated by Meier, et al.

Claims 1, 5, 9, 13 and 17 all include the feature that an access point (AP) nonce is defined as the nonce of the AP. However, the Examiner contends that the claim language does not require the AP nonce to have been originated from the AP. The Examiner goes on to state that it appears to be that the AP nonce is just a nonce, which is directed towards the mobile station from the access point. With regard to Meier, et al., the Examiner states that although the nonce is originated from the subnet context manager, the AP nonce still gets to the mobile device from the access point, which is why the Examiner calls the key nonce an AP nonce. Thus, as the Examiner clearly admits in his arguments, it is the Examiner, and not Meier, et al., who is defining the nonce passed through the access point in the system of Meier, et al. as an AP nonce. Accordingly, it is quite clear that the Examiner is ignoring the feature clearly recited in the claims of “defining an access point nonce as the nonce of the access point.”

As established in *Philips v. AWH*, claim limitations must be interpreted in light of the specification. 415 F.3d 1303 (Fed. Cir. 2005). One skilled in the art reading the specification of the present application, for example, at paragraphs 21 and 27, would clearly understand that “an access point (AP) nonce is defined as the nonce of the AP”

refers to a nonce of an access point and not simply a nonce passed through an access point.

It is respectfully submitted that nowhere in Meier, et al., is any nonce of any type defined as the nonce of an access point—not by the subnet context manager or the access point itself. As the Examiner admits, the nonce in Meier, et al.'s system has simply passed through the access point. It is not defined as the nonce of the access point. Accordingly, for at least these reasons, Meier, et al., does not anticipate Claims 1, 5, 9, and 13. Accordingly, these claims are allowable.

Claims 2-4, 6-8, 10-12, and 14-16 depend on Claims 1, 5, 9, and 13, respectively, and therefore, they are allowable for at least the reasons Claims 1, 5, 9, and 13 are allowable.

### **III. Claim Rejections under 35 U.S.C. §103(a)**

In the subject office action, claims 17-20 were rejected as being unpatentable over Meier et al. in view of Toyoshima.

Claim 17 is directed to an apparatus that includes the feature of the AP nonce is defined as a nonce of the AP. It is respectfully submitted that Toyoshima does not make up for the lack of teaching in Meier, et al. Toyoshima, as in Meier, et al., does not disclose defining an access point nonce of an access point. Accordingly, it is respectfully submitted that Claims 17-20 are also allowable.

#### **IV. Conclusion**

In view of the foregoing, Applicants submit all pending claims, specifically, claims 1-20, are in condition for allowance. The Examiner is invited to call the undersigned at (503) 796-2997 regarding any inquiry concerning this communication. Issuance of a Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,  
SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: 04/04/2007

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